

11910. Misbranding of lemon filling and adulteration and misbranding of raspberry preserve. U. S. v. Adolph L. Seidel, Louis Seidel, and Walter F. Seidel (Ad. Seidel & Sons). Pleas of guilty. Fine, \$100. (F. & D. No. 14993. I. S. Nos. 2063-t, 2065-t.)

On January 14, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolph L. Seidel, Louis Seidel, and Walter F. Seidel, copartners, trading as Ad. Seidel & Sons, Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Illinois into the State of Indiana, on or about November 1, 1920, of a quantity of lemon filling which was misbranded, and on or about January 26, 1921, of a quantity of raspberry preserve which was adulterated and misbranded. The articles were labeled in part: (Lemon filling) "100% Brand Dry Lemon Filling A delicious filling for Pies, Tarts, Layer Cakes * * * Prepared By Ad. Seidel & Sons * * * Chicago, U. S. A.;" (raspberry preserve) "Contains 30 Lbs. Net 100% Brand Fruit Preserve Raspberry * * * Manufactured Ad Seidel & Sons * * * Chicago, U. S. A."

Analysis of a sample of the lemon filling by the Bureau of Chemistry of this department showed that it was a powdered mixture of cornstarch, sugar, and tartaric acid, with a faint flavor suggesting lemon oil. Analysis of a sample of the raspberry preserve by said bureau showed that it was an artificially colored jam-like mixture containing raspberry fruit with cane sugar, added glucose, and phosphoric acid.

Adulteration of the raspberry preserve was alleged in the information for the reason that glucose in excess of 4 per cent, the amount the article purported to contain, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality, for the further reason that glucose, in excess of the labeled proportion, and phosphoric acid, not mentioned in the labeling, had been substituted in part for the said article, and for the further reason that an artificial coloring, to wit, amaranth, had been mixed therewith so as to color the said article in a manner whereby its damage and inferiority were concealed.

Misbranding of the raspberry preserve was alleged for the reason that the statement, to wit, "100% Brand Fruit Preserve Raspberry," borne in prominent type on the package containing the article, not corrected by the statement in inconspicuous type, to wit, "Contains 50% Prime Quality Fruit 46% Sugar 4% Glucose," borne and labeled on the said package, was false and misleading in that it represented that the article was 100 per cent raspberry fruit preserves, whereas it was not but was an article containing glucose, greatly in excess of 4 per cent, and was artificially colored and contained phosphoric acid.

Misbranding of the lemon filling was alleged for the reason that the statements, "100% Brand Dry Lemon Filling A delicious filling for Pies," borne on the packages containing the article, were false and misleading in that they represented the article to be lemon pie filling, to wit, an article containing, among other ingredients, lemon juice and eggs, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained, among other ingredients, lemon juice and eggs, whereas, in truth and in fact, it contained neither eggs nor lemon juice. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 20, 1923, pleas of guilty to the information were entered by the defendants, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11911. Misbranding of Craemer's celebrated compound. U. S. v. 11 Bottles of Craemer's Celebrated Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16446. I. S. No. 3603-t. S. No. C-3658.)

On June 20, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 bottles of Craemer's celebrated compound, at St. Paul, Minn., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., April 12, 1922, and transported from the State of Missouri into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.